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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,674	03/24/2004	Andreas S. Krebs	11884/502601	6226

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EXAMINER	
CHAVIS, JOHN Q	

ART UNIT	PAPER NUMBER
2193	

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05/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/808,674	KREBS, ANDREAS S.	
	Examiner	Art Unit	
	John Chavis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 8-12 and 18-20* is/are rejected.

7)☒ Claim(s) *3-7 and 13-17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8, 18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear in claims 8 and 18 whether the claims dependency detecting step is intended to be automatic as specified in each of claims 1 and 11 or manual as specified in claims 8 and 18, respectively.

Furthermore, it is not clear why information that has previously been automatically detected has to also be manually detected. Therefore, as indicated previously, the claimed feature is unclear and the rejection remains.

3. The applicant claims an "automatically detecting of dependencies" feature; which is the only feature of claims 11-20 that is considered to represent a component of an apparatus. Therefore, the means plus function format is not the feature that is considered to place the claims in a statutory category because software alone is also considered to represent means and functions. The automatically detecting feature is considered computerized.

Specification

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. **The applicant should note that merely removing the "www" from the hyperlink does not keep "plato.com" from being browser executable. Therefore the previous rejection remains.**

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-2, 8-12, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over George (7,143,108) in view of Wallman (6,820,101), **as cited in the previous action**.

Claims	George/Wallman
1. A method for optimizing dependencies for a set of objects comprising:	Both references are considered to optimize dependencies. George does not specifically state the feature; however, his figures 9 and 10 are considered to provide for the feature by determining dependencies between objects and determining which objects to delete based on dependency information, see also col. 1 line 57-col. 2 line 6. The feature is specifically stated in Wallman's system to enable deletion of objects that are no longer referenced, see fig. 2.

	Therefore, although the feature is not specifically mentioned in George's system, it would have been obvious to a person having ordinary skill in the art at the time of the invention to utilize the optimization specifically referenced and taught in Wallman's system for the same reasons it is utilized by Wallman, to optimize memory that is no longer referenced, see Wallman's abstract. **As indicated previously, both references are considered to optimize dependencies. The applicants claims specify in the preamble that they optimize dependencies; however, nothing in the body of the claims are considered to provide anything not taught by the combination of the references as previously presented. The applicant's reference to optimizing dependencies based on "the JDBC database metadata" is not clear in either of the rejected claims and therefore, the feature will not be discussed further.**
automatically detecting dependencies among a set of objects, wherein each of said objects in said set includes at least one linkable file;	George is considered to provide for automatically detecting dependencies via col. 1 lines 57-col. 2 line 6 in which he specifies that the feature is performed by his invention (automatically) but may be overridden by user selection (manually). **The applicant also indicates that the deletion of child objects has nothing to do with dependencies; however, a child object is a dependent of a parent object and it is further emphasized that child objects can also have dependents (for example, when its functions are overridden). Therefore, as previously indicated, George's reference is considered to reference dependencies.**
adding said detected dependencies to a dependency list for said set of objects; and	Georges dependency tree is considered represent the dependency list, see col. 2 lines 7-17. See also George's table in col. 8 lines 24-37, which is also considered a

	list.
removing dependencies from said dependency list for any object that does not also have at least one file dependency.	The feature is not specifically listed in George's reference; however, it is considered inherent in George's teachings of deleting child objects when their respective parent objects are Deleted (col. 9 lines 19-34). Although this is considered inherent via the teachings specified above, assuming that it is not, the feature of removing dependencies from a dependency list is specifically taught by Wallman to conserve memory, see col. 1 lines 35-46 and col. 1 line 66-col. 2 line 8. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to utilize the feature taught by Wallman in George's system for the same reasons they are utilized in Wallman's system to enable memory that is no longer referenced to be reused, see Wallman's summary of the invention. **Again both references are considered to teach dependencies and removal, for example, of a child object (which is dependent on a parent object since its functionality depends on features it has overridden as well as features that were unchanged from the parent object. Therefore, a child object serves no purpose (since it is incomplete) without the respective parent object and should be removed, as specified above, since it merely occupies space that could be used for other objects.**
2. A method for optimizing dependencies as recited in claim 1 further comprising removing unused files from said set of objects.	See George's col. 7 lines 6-22. The files to be deleted are the records (files) in the cited portion.

In reference to claims 8, 18 and 20, unclear features are not entitled patentable weight and therefore each of the claims are rejected as their respective parent claims

(claims 1, 11 and 1) are. Furthermore, see the user overriding and customizable features (manually detecting and editing) in George's col. 1 line 65-col. 2 line 6.

As per claims 9, 11, 17 and 19, see the rejection of claim 1 above.

The features of claim 10 is taught via the user overrides or customizable features (manually editing) cited via George's col. 1 lines 65-col. 2 lines 6.

In reference to claim 12, see the rejection of claim 2 above.

Allowable Subject Matter

7. Claims 3-7, 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

/John Chavis/
Primary Examiner AU-2193